

The Examiner rejected claims 1, 2, 5, 6 and 10-15 under 35 U.S.C. § 103(a) as being unpatentable over Jaegers et al. (U.S. Patent No. 5,680,934) in view of Amatangelo (U.S. Patent No. 4,948,039), Westlake, Sr. (U.S. Patent No. 4,902,365), and Weber et al. (U.S. Patent No. 4,940,629).

Applicants respectfully disagree that the combination of art teaches Applicants' invention. None of the prior art patents alone or in combination teach or suggest a method of making a sandwich structure provided with a hinge wherein the panels are made of reinforced thermoplastic material, the structure has a cellular core made of a thermoplastic material, and an incision is cut through one panel and the core to make a hinge.

Jaegers discloses a cardboard honeycomb protector having first and second panels and a core between the panels. In order to perform the function of an edge protector, a channel must be cut through one of the panels and the core as shown in Figures 3-6. This channel is more than an "incision" as claimed in the present invention. Webster's Third New International Dictionary defines incision as a "separation of parts made or such as might be made by a cutting or pointed instrument." (Exhibit A.) Webster's Third New International Dictionary defines channel as "a long gutter, groove, or furrow." (Exhibit A.) A gutter is more than a mere separation of parts. Similarly, the channel of Jaegers is more than the incision of the present invention. Jaegers discloses a channel that "has a width which is about equal to the thickness of the second core portion 124." Jaegers, col. 4, lines 20-22. A smaller channel is shown in Figure 6 of Jaegers, but it still is more substantial than a mere incision. Applicants provide details regarding the method used in making the incision, i.e., a serrated blade. Specification, p. 6, lines 35-36. A serrated blade is not an engraving tool. Further, Webster's Third New International Dictionary defines engraving as producing letters, pictures, or inscriptions. (Exhibit A.) The present application does not concern producing letters, pictures, or inscriptions - it concerns a separation of parts to form a hinge. Further, Jaegers requires two cuts to form a hinge - a slit 162 "configured to cooperatively receive and preferably retain the lip 150" and the channel 168. Jaegers, col. 4, lines 11-13.

Amatangelo does not disclose a "thermoplastic honeycomb" as suggested by the Examiner or a cellular core as claimed by the Applicants. The sheets 14, 16 are separated by webs 18 as shown in Figure 7. The webs 18 have open ends and do not form cellular structures. Further, Amatangelo does not disclose a sandwich structure comprising three layers as claimed by the Applicants. Figure 7 depicts the sheet as being a single structure, i.e., an extruded sheet.

Accordingly, the combination of Jaegers and Amatangelo does not teach the structure claimed by the Applicants.

Further, Applicants contend that the combination of Jaegers, Amatangelo, and Westlake and Weber is improper. Just because prior art can be combined, does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). In this case, there is no suggestion to reinforce the sheets with fiber in Jaegers or Amatangelo. In fact, Applicants discuss in detail that those skilled in the art believed that glass reinforced panels would not be strong enough to constitute a structural hinge. Specification, p. 3, lines 14-28. The fact that those skilled in the art did not believe that glass reinforced panels would not make a strong hinge is also evident by the fact that the Examiner could not find prior art that discloses a panel having glass reinforcement that is folded. The Examiner has simply not provided any particular findings to support the combination of art as required. *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). To combine them is impermissible hindsight. *Id.* at 1369, 55 USPQ2d at 1316.

Accordingly, claim 1 and claims 2-7 and claims 10-15 which depend therefrom are patentable over the cited combination of art.

Regarding claim 5, the Examiner has not cited an example of a cutting operation taking place inside of a press nor provided any particular findings to support the Examiner's assertion as required by the Federal Circuit. *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d

1313, 1317 (Fed. Cir. 2000). Consequently, Applicants contend that this rejection is improper.


The Examiner rejected claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over the above references and further in view of Mumper (U.S. Patent No. 3,786,708) and Northall (U.S. Patent No. 1,491,134), respectively. Since claims 3 and 4 depend from patentable claim 1, claims 3 and 4 are also patentable over the cited art. Further, Northall relates to sawing wood, clearly a nonanalogous art which makes the combination of prior art improper.

Applicants believe that the Office Action of May 3, 2002 has been fully responded to and that all claims are in condition for allowance and respectfully request passage to issue.

Applicants respectfully request that the Examiner telephone Applicants' attorney if it would advance prosecution of the case.

Respectfully submitted,

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